



Congress of the United States
House of Representatives
Washington, DC 20515-3312

July 21, 2011

Dear Colleague:

I have offered an amendment to the Legislative Branch Appropriations bill which would decrease funding for the Office of Congressional Ethics (OCE) by \$619,200 (40% of the OCE budget) and transfer these funds to the Spending Reduction Account.

I have offered this amendment because I believe that there is a substantial bi-partisan consensus:

- That the responsibilities of the OCE are redundant and duplicative of the House Ethics Committee;
- That the OCE's operations are substantially staff driven and the staff has taken the OCE's mission well beyond what was intended in the statute that created the OCE;
- That the procedures of the OCE are unfair and abusive of the rights of Members of the House;
- That a substantial part of the funds we spend on the OCE (at least 40%) wastes taxpayer money; and
- That using those funds to reduce our debt and deficit would be a far better use.

In these difficult budget times, I believe we have an obligation to judge the OCE on the same criteria on which we measure other agencies of the federal government. Using those criteria, my amendment proposes to eliminate duplication; demand accountability and adherence to the purposes for which the agency was created; demand fair, due-process treatment of Members of Congress as we would for other employees in both the public and private sectors, and force us to make a choice about how to best use over \$600,000 of taxpayer money.

The OCE is duplicative of the Ethics Committee. While the original reasons for creating the OCE were well intentioned (lifting some of the burden off the House Ethics Committee and creating an abbreviated process for dealing with claims that appeared on their face to be minor or groundless), the OCE and its staff have not viewed their purposes in that way at all. Instead, the OCE regularly issues determinations that are at odds with established precedent and must be reviewed and corrected at great additional burden to the Committee on Ethics.

The OCE Staff has extended its mission beyond what was intended. Instead of confining its work to allegations made by outside complainants, the OCE staff regularly

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starts reviews and initiates proceedings without an outside complaint being filed. That puts the OCE in the position of being both the complainant and the investigating agency (the prosecutor and the judge) in the same proceeding. For example, on May 26, 2010 the OCE brought charges against eight members of the House without any outside complaint being filed. The charges alleged that: “If Representative XX solicited or accepted ... contribution in exchange for or because of an official act, or solicited or accepted contributions in a manner which gave the appearance that the contributions were linked to an official act, then they may have violated House Rules and Standards of Conduct...” (emphasis added). Ultimately, all the members charged were completely exonerated (some by the OCE itself and others in a 33 page decision of the Committee on Ethics). However, all of these members incurred substantial expenses and experienced unjustified damage to their reputations in the middle of an election and one of them actually lost his reelection campaign.

The OCE believes that it has the authority to review constituent files and communications that are “privileged under the precedents of the House”. Because the statute creating the OCE says that the OCE was “established in the House”, the OCE takes the position that it has the same authority that the Ethics Committee has to review information that is clearly privileged under the precedents of the House. There is no effective means of challenging the OCE’s view on this. Further, a Member’s failure to comply with any request for documents made by the OCE can result in a presumption that the Member is refusing to cooperate with the OCE investigation.

This Money could be more effectively used for other purposes, i.e. debt or deficit reduction. The number of groundless claims initiated by the OCE without an outside complainant makes it obvious that the OCE has too much staff or that its staff does not have enough to do. A 40% reduction in the OCE’s budget will allow the OCE to continue investigations and reviews it currently has pending and allegations made by outside complainants.

I believe that members of Congress deserve to be treated fairly as do the constituents we represent. I, therefore, encourage you to support this amendment to return some measure of fairness to our institution.

Sincerely,


Mel Watt